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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,628	07/19/2001	Kaye Sullivan	Sulliv.K-01 (Stemp)	9980
22197	7590	06/20/2005	EXAMINER	
GENE SCOTT; PATENT LAW & VENTURE GROUP 3140 RED HILL AVENUE SUITE 150 COSTA MESA, CA 92626-3440			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,628	SULLIVAN, KAYE	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20010719</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

There are no drawings in the application originally filed 19 July 2001.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory

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subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 1 - 7 only recites an abstract idea. The recited steps of merely assembling a quantity of a plurality of new printed matter ready for public sale, shipping the new printed matter to a selected sales venue, displaying for sale, the new printed matter at the selected sales venue, shipping all of an unsold portion of the new printed matter to a further selected sales venue, displaying, the unsold portion of the new printed matter, at the further selected sales venue, for the selected period of time, selling the unsold portion of the new printed matter and repeating the steps of shipping does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how manage book fairs.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention teaches logistics to manage book fairs (i.e., repeatable) used in managing book fairs (i.e., useful). Claim 7 is not tangible because setting price is by two persons may be different for a item.

Although the recited process produces a useful result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 1 is deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholastic, Inc. hereinafter known as Scholastic.

Regarding claim 1, Scholastic teaches system and method for public distribution of printed matter (books). Scholastic teaches:

assembling a quantity of a plurality of new printed matter ready for public sale [page 12];

shipping the new printed matter to a selected sales venue [page 2 –13];

displaying for sale, the new printed matter at the selected sales venue [page 12];

shipping all of an unsold portion of the new printed matter to a further selected sales venue (obvious to take back unsold merchandise);

displaying, the unsold portion of the new printed matter, at the further selected sales venue, for the selected period of time (going to next event);

selling the unsold portion of the new printed matter;

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repeating the steps of shipping, displaying and selling of each consecutive unsold portion of the new printed matter for plural selected sales venues.

Scholastic does not teach

displaying for sale, the new printed matter at the selected sales venue, for a selected period of time. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that events like trade fairs, book fairs etc. are scheduled for limited time at a location like schools, shopping malls etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Scholastic teaches displaying for sale, the new printed matter at the selected sales venue, for a selected period of time to allow schools to schedule an event at their location instead of taking school children to locations operated by Scholastic.

Regarding claim 2, Scholastic teaches the printed matter is books.

Regarding claim 3, Scholastic teaches capability of having sales where venues are countries (schools outside USA).

Regarding claim 4, Scholastic teaches the shipping, displaying and selling of the unsold portion of the new printed matter is a premier publishing event within each of the selected sales venues (field of use).

Regarding claim 5, Scholastic teaches displaying is executed at bookstores (business choice for selecting locations for displaying products to meet business goals).

Regarding claim 6, Scholastic teaches capability where selected period of time is for approximately one month (business choice to select length of a book fair).

Regarding claim 7, Scholastic teaches system and method for distribution of publications. Scholastic teaches:

establishing a plurality of publication sales venues represented by V1, V2, V3 . . . (responded to earlier in response to claims 1 – 6);

distributing a plurality of publications on a fixed recurring schedule such that P1, P2, P3 . . . represent the plurality of publications distributed at times 1, 2, 3 . . . respectively (business choice to elect (business choice to elect sequence of locations and time frame for each location). For example, a business elects to display products at specific trade shows which are scheduled at a fixed location each year at same time like FOSE held at the same time the year in Washington DC ;

placing P_x on sale sequentially at the V_y where x takes on the values of 1, 2, 3 . . . in turn and y distinguishes the venues (business choice to elect pricing structure). For example in a show, product sold in USA is priced in US Dollars, same product in Japan is priced in Japanese Yen, in India it is priced in Indian Rupees etc. where as responded to earlier, each country is a venue to meet business requirements for location to hold book fair.

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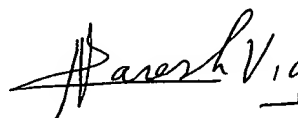
Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

June 14, 2005